IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO : 15755 of 2004

Between:

Praja Prayojana Sangham, a Society registered under Andhra Pradesh (TA) Public Society,
Registration Act(Act 1 135 of) (Regn. No. 10218 of 1999), having its office at 6-1-51, Sivarampally, Rajendranagar(M),
Ranga Reddy District, rep by its Secretary, Sri G.Srinivas, S/o. Late G. Kashanna, aged 37 years

..... PETITIONER

AND

1 The Commissioner, Endowment Department,
Boggulkunta, Hyderabad.
2 The District Collector, Ranga Reddy District, Lakidi-ka-pool, Hyderabad.
3 The Commissioner, Rajendranagar Muncipality,
Rajendranagar, R.R. District.
4 The Hyderabad Urban Development Authority,
Begumpet, Hyderabad, rep by its Vice-Chairman
5 The Sub Sub-Registrar, Rajendranagar, R.R. District.
6 Sarvodaya Trust (Grama Seva Kendram), having its

office at Shivarampally, Rajendranagar Mandal,
R.R. District, and also at 3-5-45/6, Enden Garden,
Hyderabad-500 001, rep by its Managing Trustee,
Sri MT RK Saboo.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of WRIT OF MANDAMUS a) declaring the action of the respondent No. 1 to 4 not preventing the illegal sale of the plots covered by Sy.Nos. 38,39 of Katedan Village and Sy.Nos.2 to 14, 34, 35, 37, 39, 40 and 41 of Shivarampally Paiga Village, Rajendrangar Mandal, R.R. District in the colonies, named as "Sri Shivarama Colony" and "Ananya Enclave"belonging") Shivarampally, Rajendranagar Mandal, R.R. Distirct as illegal, and arbitrary, b) directing the 1st respondent to take over the land and Trust property of the 6th respondent covered by Sy.Nos. 38,39 of Katedan Village and Sy.Nos.2 to 14, 34, 35, 37, 39, 40 and 41 of Shivarampally Paiga Village, Rajendrangar Mandal, R.R. District. in accordance with the provisions of A.P. Charitable and Hindu Religious Institutions and Endowment Act, 1987, and c) directing the respondent No. 5 not to register any documents in respect of the plots covered by Sy.Nos. 38,39 of Katedan Village and Sy.Nos.2 to 14, 34, 35, 37, 39, 40 and 41 of Shivarampally Paiga Village, Rajendrangar Mandal, R.R. District.

Counsel for the Petitioner : MR.P.SHIV KUMAR

Counsel for the Respondent No.1 : GP FOR ENDOWMENTS

Counsel for the respondent No. 2: None appeared.

Counsel for the respondent No.3: Mr. B.Viswanath Reddy.

Counsel for the respondent No.4: Mr. R. Thimma Reddy.

Counsel for the respondent No.5: None appeared.

Counsel for the respondent No.6: None appeared.

The Court made the following :

ORAL ORDER:

(Per Hon'ble The Chief Justice)

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1. This writ petition has been filed as public interest litigation by Praja Prayojana Sangham, a Society registered under Andhra Pradesh (TA) Public Society Registration Act, complaining about the sales alleged to have been made by 6th respondent – Trust and praying that direction be issued to respondents 1 to 4 not to register any documents for sale and not to take any further action.

2. As per the averments made in the petition, respondent No.4 has already sold the property by converting into plots. The so-called vendors are not parties in this writ petition. The reason disclosed in the writ petition is that sales effected by respondent No.6 are illegal and that Hyderabad Urban Development Authority cautioned the public that lands notified in the caution notice are not approved layout lands. Therefore, general public were cautioned not to purchase the plots.

3. Mere issuance of caution notice by Hyderabad Urban Development Authority notifying the general public not to deal with any property is not a law which prevents any owner to sell his property. What consequences would flow from sale is a different matter. In case someone would purchase a plot of land in an unapproved layout, the consequences would be that he would not be in a position to raise any construction or claim any equities in his favour because of the caution notice issued by Hyderabad Urban Development Authority. That is not the case put up by the petitioner. Petitioner says that sales are illegal. In case petitioner's grievance being that sales are in violation of the provisions of the trust deed, petitioner or any other person interested in the Trust can initiate appropriate proceedings in a competent court of law complaining illegality of the sale. But we are not inclined to entertain this petition as public interest litigation merely because the sales are alleged to have taken place in an unapproved layout.

4. In the result, writ petition is dismissed. No costs.

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DEVINDER GUPTA. C.J.,

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C.V. RAMULU. J.,

Dated: 07.09.2004.

VRK.

To

1 The Commissioner, Endowment Department,
Boggulkunta, Hyderabad.
2 The District Collector, Ranga Reddy District, Lakidi-ka-
pool, Hyderabad.
3 The Commissioner, Rajendranagar Muncipality,
Rajendranagar, R.R. District.
4 The Vice-Chairman, Hyderabad Urban Development
Authority, Begumpet, Hyderabad.
5 The Sub-Registrar, Rajendranagar, R.R. District.
6 Managing Trustee, Sri MT RK Saboo. Sarvodaya Trust
(Grama Seva Kendram), having its
office at Shivarampally, Rajendranagar Mandal,
R.R. District, and also at 3-5-45/6, Enden Garden,
Hyderabad-500 001.

7. Two CCs to G.P. for Endowments, High Court buildings, Hyderabad (OUT).

8. Two CD copies.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE C.V. RAMULU.

W.P.NO. 15755 OF 2004.

(Order of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 07.09.2004.